

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/681,212 Confirmation No. 8332
Applicant : S. WATARI et al.
Filed : October 9, 2003
Title : AUTOMATIC ANALYZER
TC/AU : 1797
Examiner : B.R. Gordon
Docket No. : NIP-217-02
Customer No.: 24956

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 29, 2010

REPLY

Sir:

In response to the Amendment After Final filed February 26, 2010, the Examiner issued an Advisory Action stating that the Amendment would not be entered because it raised new issues. The Examiner further stated as to the 35 U.S.C. 112, first paragraph, rejection in the final Office Action of November 2, 2009 as follows:

“As recognized by applicant, the first means and second means are respectively a single/individual piezoelectric element 35. As illustrated in applicants’ figure 5 each of the piezoelectric elements (or individual means) irradiates a single wave at a single level. The level at which each of the individual piezoelectric elements irradiates does not change. What the controller changes or controls is which one of the piezoelectric elements are activated to irradiate the container at a specific level. The level of a wave irradiated from a single means (first or second) is not controlled or changed as claimed.”